UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,901	02/04/2004	Eric Edwards	Sony-06300	3887

				EXAMINER
36813	7590	11/02/2005		BALAOING, ARIEL A

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ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/771,901	EDWARDS ET AL.
	Examiner	Art Unit	
	Ariel Balaoing	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 February 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires

the original numbering of the claims to be preserved throughout the prosecution. When

claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next

following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 12-28 been renumbered 11-27.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-5, 10, 13, 14, 17, 19, 20, 23, 25-27 are rejected under 35 U.S.C. 102(e)

as being anticipated by HARRIS (US 6,765,492 B2).

Regarding claim 1, HARRIS discloses a method comprising: detecting a device
(column 2:lines 15-23); detecting a device type of the device (column 2:lines 15-23;
column 5:lines 1-8); and transmitting a signal to the device for selectively disabling a
function of the device based on the device type (column 2:lines 15-23; column 3:lines
16-42; column 4:lines 3-20).

Regarding claim 2, see the rejections of the parent claim concerning the subject
matter this claim is dependent upon. HARRIS further discloses further comprising
detecting a location of the device (column 4:lines 22-31).

Regarding claim 3, see the rejections of the parent claim concerning the subject
matter this claim is dependent upon. HARRIS further discloses wherein disabling the
function is based on the location of the device (column 4:lines 22-67).

Regarding claim 4, see the rejections of the parent claim concerning the subject
matter this claim is dependent upon. HARRIS further discloses further comprising
detecting a profile containing a device type field and a function field (column 4:lines 22-
67; column 5:line 54-column 6:line 5).

Regarding claim 5, see the rejections of the parent claim concerning the subject
matter this claim is dependent upon. HARRIS further discloses further comprising
storing the profile with a storage module (column 5:line 54-column 6:line 5).

Regarding claim 10, see the rejections of the parent claim concerning the subject
matter this claim is dependent upon. HARRIS further discloses wherein the device is a
cellular phone (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-20).

Regarding claim 13, HARRIS discloses a system comprising: means for detecting a device (column 2:lines 15-23); means for detecting a device type of the device (column 2:lines 15-23; column 5:lines 1-8); and means for transmitting a signal to the device for selectively disabling a function of the device based on the device type (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-20).

Regarding claim 14, HARRIS discloses a method comprising: detecting a device (column 2:lines 15-23); detecting a location of the device (column 4:lines 22-67); detecting a device type of the device (column 2:lines 15-23; column 5:lines 1-8); and selectively disabling a function of the device based on the location and the device type (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-59).

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising recalling a profile including an area field, a device type field, and a function field for disabling the function of the device (column 4:lines 22-67; column 5:line 54-column 6:line 5).

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses wherein the device type is a cellular phone device (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-20).

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses wherein disabling the function turns the device off (column 4:lines 22-67).

Regarding claim 23, HARRIS discloses a system, comprising: a recognition

module for detecting a device and a device type of the device (column 2:lines 15-23;

column 5:lines 1-8); a location module for detecting a location of the device (column

4:lines 22-67); and a storage module configured for storing a profile that selectively

disables a function of the device based on the device type and the location of the device

(column 4:lines 22-67).

Regarding claim 25, see the rejections of the parent claim concerning the subject

matter this claim is dependent upon. HARRIS further discloses wherein the recognition

module further comprises detecting an identity of the device (column 2:lines 15-23).

Regarding claim 26, see the rejections of the parent claim concerning the subject

matter this claim is dependent upon. HARRIS further discloses further comprising an

interface module for communicating with the device (column 4:lines 22-67).

Regarding claim 27, HARRIS discloses a computer-readable medium having

computer executable instructions for performing a method comprising: detecting a

device (column 2:lines 15-23); detecting a location of the device (column 4:lines 22-67);

detecting a device type of the device (column 2:lines 15-23; column 5:lines 1-8); and

selectively disabling a function of the device based on the location and the device type

(column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-59).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

   1.   Determining the scope and contents of the prior art.
   2.   Ascertaining the differences between the prior art and the claims at issue.
   3.   Resolving the level of ordinary skill in the pertinent art.
   4.   Considering objective evidence present in the application indicating
           obviousness or nonobviousness.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 6, 7, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over HARRIS (US 6,765,492 B2) in view of GOUGH (US 6,823,199 B2).

        Regarding claim 6, see the rejections of the parent claim concerning the subject

matter this claim is dependent upon. Although HARRIS discloses suppression of the

ring signal (column 4:lines 3-7), HARRIS does not expressly disclose wherein the

function is producing an audible alert (abstract; column 2:lines 47-65). Therefore it

would have been obvious to a person of ordinary skill in the art at the time the invention

was made to modify HARRIS to prevent the mobile device from emitting sound, as taught by GOUGH, as this suppress electronic noises during times when silence is deemed appropriate.

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HARRIS discloses suppression of the ring signal (column 4:lines 3-7), HARRIS does not expressly disclose wherein the function is emitting an audible sound from the device (abstract; column 2:lines 47-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to prevent the mobile device from emitting sound, as taught by GOUGH, as this suppress electronic noises during times when silence is deemed appropriate.

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HARRIS discloses suppression of the ring signal (column 4:lines 3-7), HARRIS does not expressly disclose wherein disabling the function prevents the device from emitting sound (abstract; column 2:lines 47-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to prevent the mobile device from emitting sound, as taught by GOUGH, as this suppress audible electronic alerting during times when silence is deemed appropriate.

8.   Claims 8, 9, 11, 12, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARRIS (US 6,765,492 B2) in view of HIMMEL et al (US 2003/0134627 A1).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not expressly disclose wherein the function is capturing an image with the device. HIMMEL discloses wherein the function is capturing an image with the device (abstract; paragraph 12, 31, 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the function of capturing an image, as taught by HIMMEL, as both devices relate to disabling functions of mobile devices. This is beneficial in that it allows the ability to block photography of sensitive documents and information.

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not expressly disclose wherein the device is a camera. HIMMEL discloses wherein the device is a camera (abstract; paragraph 12, 31, 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include other portable devices such as video cameras and mp3 players, as taught by HIMMEL, as both systems relate to disabling functions of mobile devices. This is beneficial in that allows HARRIS to control the portable devices using a central computer.

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not expressly disclose wherein the device is a portable music device. HIMMEL discloses wherein the device is a portable music device (abstract; paragraph 12, 31, 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to

modify HARRIS to include other portable devices such as video cameras and mp3 players, as taught by HIMMEL, as both systems relate to disabling functions of mobile devices. This is beneficial in that allows HARRIS to control the portable devices using a central computer.

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not expressly disclose wherein the device is a video camera. HIMMEL discloses wherein the device is a video camera (abstract; paragraph 12, 31, 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include other portable devices such as video cameras and mp3 players, as taught by HIMMEL, as both systems relate to disabling functions of mobile devices. This is beneficial in that allows HARRIS to control the portable devices using a central computer.

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not expressly disclose wherein the device type is an image capturing device. HIMMEL discloses wherein the device type is an image capturing device (abstract; paragraph 12, 31, 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include other portable devices such as video cameras and mp3 players, as taught by HIMMEL, as both systems relate to disabling functions of mobile devices. This is beneficial in that allows HARRIS to control the portable devices using a central computer.

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not expressly disclose wherein disabling the function prevents the device from capturing an image. HIMMEL discloses wherein disabling the function prevents the device from capturing an image (abstract; paragraph 12, 31, 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the function of capturing an image, as taught by HIMMEL, as both devices relate to disabling functions of mobile devices. This is beneficial in that it allows the ability to block photography of sensitive documents and information.

9.   Claims 15, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARRIS (US 6,765,492 B2) in view of CREAMER et al (US 2004/0110487).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose further comprising requesting a payment from the device for restoring the function. CREAMER discloses further comprising requesting a payment from the device for restoring the function (abstract; paragraph 9, 10). Therefore it would have been obvious to a person of ordinary skill in the art at the time the rejection was made to modify HARRIS to include a payment system to restore a mobile device function, as taught by CREAMER, as this allows the system the ability to access a network resources not available on the mobile terminal.

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose further comprising restoring the function of the device in exchange for the payment. CREAMER discloses further comprising restoring the function of the device in exchange for the payment (abstract; paragraph 9, 10). Therefore it would have been obvious to a person of ordinary skill in the art at the time the rejection was made to modify HARRIS to include a payment system to restore a mobile device function, as taught by CREAMER, as this allows the system the ability to access a network resources not available on the mobile terminal.

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose further comprising a transaction module configured to handle a payment request in exchange for restoring the function of the device. CREAMER discloses further comprising a transaction module configured to handle a payment request in exchange for restoring the function of the device (abstract; paragraph 9, 10). Therefore it would have been obvious to a person of ordinary skill in the art at the time the rejection was made to modify HARRIS to include a payment system to restore a mobile device function, as taught by CREAMER, as this allows the system the ability to access a network resources not available on the mobile terminal.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

       VALENTINE et al (US 6,011,973) – Restricting operation of cellular telephones to

       geographical areas

       ALLEN, JR (US 6,297,768 B1) – Triggerable remote controller

       Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-

7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30

AM.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

       Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing
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Patent Examiner

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